

117TH CONGRESS
2D SESSION

S. 4756

To amend the disclosures of foreign gifts under the Higher Education Act of 1965 to provide special rules relating to China-affiliated organizations.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2022

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the disclosures of foreign gifts under the Higher Education Act of 1965 to provide special rules relating to China-affiliated organizations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Malign Chi-
5 nese Influence on Academic Institutions”.

6 **SEC. 2. DISCLOSURES OF FOREIGN GIFTS.**

7 Section 117 of the Higher Education Act of 1965 (20
8 U.S.C. 1011f) is amended—

1 (1) in subsection (a), by striking “Whenever”
 2 and inserting “Except as provided in subsection (d),
 3 whenever”;

4 (2) by redesignating subsections (d) through (h)
 5 as subsections (e) through (i), respectively;

6 (3) by inserting after subsection (c) the fol-
 7 lowing:

8 “(d) SPECIAL RULES RELATING TO CHINA-AFFILI-
 9 ATED ORGANIZATIONS.—

10 “(1) ENHANCED DISCLOSURES OF GIFTS AND
 11 CONTRACTS.—

12 “(A) IN GENERAL.—Whenever any institu-
 13 tion receives a gift from or enters into a con-
 14 tract with a China-affiliated organization, the
 15 value of which is \$5,000 or more, considered
 16 alone or in combination with all other gifts
 17 from or contracts with that organization within
 18 a calendar year, the institution shall file a dis-
 19 closure report with the Secretary on January
 20 31 or July 31, whichever is sooner.

21 “(B) CONTENTS OF REPORT.—Each report
 22 under subparagraph (A) shall include—

23 “(i) the information described in sub-
 24 sections (b) and (c) (as applicable);

1 “(ii) the full legal name of the indi-
2 vidual or organization that made the gift
3 or entered into the contract to which the
4 disclosure pertains; and

5 “(iii) instructions for accessing the in-
6 formation made available under paragraph
7 (3).

8 “(2) DISCLOSURE OF JOINT ACTIVITIES.—On
9 an annual basis, any institution that receives funds
10 under a Federal grant program shall file a disclosure
11 report with the Secretary that identifies any activi-
12 ties conducted pursuant to a contract or other agree-
13 ment between the institution and a China-affiliated
14 organization, including any joint research or aca-
15 demic exchanges.

16 “(3) PUBLIC AVAILABILITY OF AGREEMENTS.—
17 Each institution shall make available, on a publicly
18 accessible website of the institution, the full text of
19 any contract, agreement, or memorandum of under-
20 standing between the institution and a China-affili-
21 ated organization (regardless of whether the con-
22 tract, agreement, or memorandum remains in ef-
23 fect).”; and

24 (4) in subsection (i), as so redesignated—

1 (A) by redesignating paragraphs (1)
2 through (5) as paragraphs (2) through (6), re-
3 spectively; and

4 (B) by inserting before paragraph (2) the
5 following:

6 “(1) the term ‘China-affiliated organization’
7 means any entity that receives support directly or
8 indirectly from the Government of the People’s Re-
9 public of China, including—

10 “(A) a cultural, language, or educational
11 institute or program;

12 “(B) a think tank that has received more
13 than \$100,000 in one calendar year or more
14 than 10 percent of the total funding for such
15 think tank for that year, whichever is less, from
16 the Chinese Communist Party or individuals af-
17 filiated with the Chinese Communist Party;

18 “(C) a person who is a current member of
19 the Chinese Communist Party or otherwise ac-
20 tive in collaborating with the Chinese Govern-
21 ment as an employee or advisor;

22 “(D) a Chinese State-owned enterprise or
23 partially or wholly owned subsidiary of a Chi-
24 nese State-owned enterprise; and

1 “(E) a company, think tank, nonprofit, or
2 other similar entity, which has on its board of
3 directors or with equity ownership or voting
4 control in excess of 5 percent any members of
5 the Chinese Communist Party or executives of
6 a Chinese State-owned enterprise, including the
7 president, vice president, or any other officer
8 who performs a policy making function or any
9 other person who performs similar policy mak-
10 ing functions for such enterprise, including an
11 executive officer of a subsidiary of such enter-
12 prise who performs such policy making func-
13 tions.”.

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